

Section 106 Obligations

Strategic Director: Rina Singh (Place & Performance)
Assistant Director: Martin Woods (Economy)
Service Manager: David Norris (Development Manager)
Lead Officer: Neil Waddleton
Contact Details: Neil.Waddleton@southsomerset.gov.uk or (01935) 462603

Purpose of the Report

Section 106 Officer to provide information on signed Section 106 agreements relating to development within Area North. Agreements containing financial contributions are presented within the monitoring report (Appendix A). If any further detail is required on any specific agreement members should contact the officer directly.

Public Interest

Section 106 Obligations are a key aspect of most major planning development approvals granted by the Authority however they are also necessary to provide additional control in relation to smaller schemes. The items captured within Section 106 Obligations usually deal with the additional infrastructure costs that will be incurred within the area of the Authority arising from the completion of a development. Depending on the scale of the proposed development the sums of money associated with a Section 106 Obligations can be considerable.

This may take the form of changes to highways, contributions toward increased schools provision, creation/maintenance of open spaces, recreational areas and so on. The costs arising from these are often significant and require negotiation and settlement between officer and the developer, through the use of nationally agreed formulae.

There is a variety of ways in which these requirements can be delivered. Normally the developer makes a payment to allow the relevant authority to provide the requirement e.g. Schools or Play areas. Alternatively, the developer may be charged with completing the work directly for example a new highway junction.

By their very nature Section 106 Obligations require specified actions/payments to take place within a pre-defined timescale or event (known as 'triggers') and it is essential that the Section 106 officer has a system and processes in place that ensures the agreements are effectively managed.

Members will appreciate that the level of contribution that was secured from each development was dependent upon several factors, particularly the 'formula' that was being used for calculating the Sports, Arts and Leisure, Education and Highway contributions at the time of each application. It is also important to emphasise that it is very difficult to make meaningful comparisons between obligations that were sought on different developments, as each scheme has to be considered on its own merits.

Recommendation

That members note and comment on the report and verbal update, and endorse the actions taken in respect of the monitoring and managing of Section 106 Planning Obligations.

Background

A Section 106 Officer was appointed on 1 April 2010. This post sits within the planning team with the specific responsibility for ensuring that all requirements of S106 obligations, including the collection and spending of financial contributions are monitored and managed.

Additional Information

Since my last report there have been two significant legislation changes that will affect the way that we are able to seek financial planning obligations in the future:

Contributions from schemes of 10 dwellings or less

National Planning Policy Guidance was released in November 2014 stated that financial planning contributions should not be sought from developments of 10 units or less, and which have a combined gross floor space of no more than 1000sqm. Some planning obligations may still be required to make a development acceptable in planning terms. For schemes where a threshold applies, planning obligations should not be sought to contribute to affordable housing or to pooled funding "pots" intended to fund the provision of general infrastructure in the wider area. Authorities can still seek obligations for site specific infrastructure, such as improving road access and the provision of adequate street lighting where this is appropriate to make a site acceptable in planning terms. There is also potential to request specific items of play and youth facility equipment if it can be clearly evidenced and demonstrated that it can be delivered solely by that scheme.

CIL Regulations (2011, amended 2013 & 2014)

From April 2015, no more contributions may be sought/collected in respect of a specific infrastructure project or a type of infrastructure through a S106 agreement if 5 or more obligations have been entered into since April 2010 and it is a type of infrastructure that is capable of being funded by CIL.

In Area North this legislation change will mean that no more contributions will be sought for sports hall enhancements at Huish Academy, the Octagon Theatre or the Indoor Tennis Centre in Yeovil through future application processes.

Projects

Members may wish to note that the main projects delivered/under way or priorities as a result of appropriate collected S106 monies are:

Huish Episcopi

- AGP project open by September 2015
- Huish Swimming Pool. Funding towards a new automatic chlorine dosing system. This will increase pool capacity and reduce health and safety risks at the pool and will form part of any future plans to cover the pool.

- Steve Joel working with the Academy Centre to produce a master plan for improvements to the sports centre.
- Huish & Langport Playing Field – Rob Parr working with the committee regarding improvements to the play area.

South Petherton

- First commuted sum payment paid to the Parish Council for the ongoing maintenance of the play area. PC to advise of potential pitch/changing room projects.

Ilton

- Refurbished Copse Lane play area to be “officially” opened 15th August 2015. Parish Council producing a master plan for the new recreation ground.

Curry Rivel

- Community Health & Leisure Team working with Parish Council to deliver play, youth and pitch projects.

Financial Implications

No direct financial implications from this report however members will be aware that ineffective management of planning obligations does have the potential to require the district council to refund contributions to developers.

Council Plan Implications

The effective management of planning obligations will be beneficial in achieving all of the focuses in the Council Plan

Carbon Emissions and Climate Change Implications

Section 106 Planning Obligations have a key role in delivering sustainable communities thereby contributing to a reduction in carbon emissions and helping to adapt to climate change.

Equality and Diversity Implications

Section 106 Planning Obligations have a key role in delivering sustainable communities thereby ensuring access to facilities, homes and services for all members of our community.

Background Papers: None
